

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-cv-00279-FDW**

EDDRICCO LI'SHAUN BROWN-BEY,)
)
 Plaintiff,)
)
 vs.)
)
 MECKLENBURG COUNTY HEALTH)
 DEPARTMENT (VITAL RECORDS),)
 et al.,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court upon Plaintiff Eddricco Li'shaun Brown-Bey's motion for reconsideration, captioned as "Affidavit of Fact Demand for Relief from Judgment," of the Court's June 16, 2017 Order (Doc. No. 4) dismissing his civil rights Complaint (Doc. No. 1). (Doc. No. 13.)

Plaintiff is a prisoner of the state of North Carolina, who, on May 25, 2017, filed a self-styled "Criminal Complaint" demanding criminal prosecution of the named Defendants because the certificate of live birth issued by Defendants lists his race as "black." (Order Dismissing Compl. 2, Doc. No. 4.) According to Plaintiff, "black" is a slave label, and Defendants' use of the word on his birth certificate constitutes "denationalization," which he asserts is a federal crime. (Id.) The Court dismissed the Complaint as "frivolous on its face," concluding that it was based upon an indisputably meritless legal theory. (Id.)

Plaintiff filed an Amended Complaint and a notice of appeal on June 22, 2017. (Doc. Nos. 8, 9.) His direct appeal was dismissed on August 21, 2017, for failure to prosecute. (Doc. No. 12-1.) Plaintiff filed the instant motion to reconsider on October 26, 2017, seeking review of

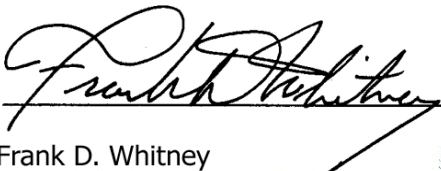

his Amended Complaint. (Doc. No. 13.)

Federal Rule of Civil Procedure 60(b) enumerates specific circumstances in which a party may be relieved of the effect of a federal judgment, such as mistake, newly discovered evidence, and fraud. Fed. R. Civ. P. 60(b)(1)-(3). The Rule concludes with a catchall category providing that a federal court may lift a judgment for “any other reason that justifies relief.” Id. at Rule 60(b)(6).

Plaintiff’s Amended Complaint is based upon the same indisputably meritless legal theory he relied upon in his original Complaint.¹ Accordingly, his motion for reconsideration shall be denied.

IT IS, THEREFORE, ORDERED that Plaintiff’s motion for reconsideration, captioned as “Affidavit of Fact Demand for Relief from Judgment” (Doc. No. 13), is **DENIED**, and his Amended Complaint (Doc. No. 8) is **DISMISSED** as frivolous, see § 1915(e)(2).

Signed: June 4, 2018


Frank D. Whitney
Chief United States District Judge 

¹ Plaintiff has relied upon the same theory in at least three other civil actions that have been dismissed as frivolous. See Brown-Bey v. Hooks, et al., No. 1:18-cv-15-FDW, 2018 WL 576309, at *2 (W.D.N.C. Jan. 26, 2018) (frivolous); Brown-Bey v. State of North Carolina, et al., No. 1:17-cv-00722 (D. D.C. April 14, 2017) (frivolous); Brown-Bey v. North Carolina House of Representatives, et al., No. 1:16-cv-00375-FDW (W.D.N.C. Jan. 27, 2017) (frivolous).